

Message Text

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TO AMEMBASSY BUDAPEST IMMEDIATE
INFO AMEMBASSY LONDON IMMEDIATE

C O N F I D E N T I A L STATE 018355

EXDIS. LONDON FOR STREATOR FOR WILLIAM LUERS

E.O. 11652:GDS

TAGS:EEWT, PGEN, HU, US

SUBJECT:HUNGARIAN MFN ASSURANCES

REFS: (A) STATE 15151, (B) STATE 17200, (C) BUDAPEST 328

1. DEPARTMENT CONTINUES TO BELIEVE THAT REFERENCE TO
COVENANT IN ASSURANCES (PARA 2 OF BUDAPEST 328) IS NOT
ACCEPTABLE FOR REASONS ELABORATED EARLIER. DEPARTMENT
APPROVES EMBASSY'S SUGGESTION TO REITERATE PREVIOUS U.S.
PROPOSAL INVOLVING REFERENCE TO DECLARATION (PARA. 3
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BUDAPEST 328).

2. IN MAKING RENEWED PROPOSAL FOR REFERENCE TO DECLARATION,
EMBASSY MAY NOTE FOLLOWING POINTS:

--IN U.S. VIEW, UNIVERSAL DECLARATION IS A WIDELY ACCEPTED
STATEMENT OF GOVERNING HUMAN RIGHTS PRINCIPLES;

--HUNGARIAN NON-MEMBERSHIP IN UN IN 1948 THEREFORE SHOULD NOT BE A BARRIER TO A REFERENCE TO DECLARATION;

--COVENANT HAS QUALIFIERS AND EXCEPTIONS WHICH PERMIT POTENTIALLY SIGNIFICANT LIMITATIONS ON THE RIGHT OF EMIGRATION. SUCH EXCEPTIONS HAVE BEEN CRITICIZED IN U.S.;

--THE U.S. HAS NOT RATIFIED THE COVENANT AND IT IS A POTENTIALLY SENSITIVE POLITICAL SUBJECT WITHIN THE U.S.

3. IF HUNGARIANS DO NOT ACCEPT DECLARATION LANGUAGE, EMBASSY IS AUTHORIZED IN ITS DISCRETION TO PROPOSE TO GOH EITHER SLIGHT MODIFICATION OF PARA. 4 OF BUDAPEST 328 (AS DESCRIBED BELOW), OR PROPOSAL CONTAINED PARA. 4 OF STATE 15152. WE BELIEVE THAT EMBASSY'S FORMULA (PARA. 4, BUDAPEST 328) SHOULD BE STRENGTHENED BY DELETING WORDS "IN ORDER" AND BY SUBSTITUTING ", AND". TEXT WOULD THEN READ "CONCERNING CASES OF EMIGRATION, BOTH PARTIES UNDERTAKE TO ACT IN ACCORDANCE WITH THE LETTER AND SPIRIT OF THE FINAL ACT OF THE CONFERENCE ON SECURITY AND COOPERATION IN EUROPE, AND TO DEAL WITH THEM PROMPTLY, CONSTRUCTIVELY, AND WITH GOOD WILL." THIS ELIMINATES LIKELY CRITICAL ARGUMENT THAT REFERENCE TO CSCE (WHICH EXPLICITLY DEALS ONLY WITH DIVIDED FAMILIES) IS CONDITION OR LIMIT ON OBLIGATION CONCERNING EMIGRATION. (WE LEAVE TO EMBASSY)

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EMBASSY'S TACTICAL JUDGMENT WHETHER TO FIRST PROPOSE LANGUAGE OF PARA. 4 OF STATE 15152 AND THEN TO FALL BACK TO REVISED TEXT OF PARA. 4 OF BUDAPEST 328.)

4. IN MAKING ITS PROPOSAL, EMBASSY MAY EMPHASIZE OUR NEED FOR UNAMBIGUOUS LANGUAGE CONFIRMING THAT HUNGARIANS WILL INDEED BE RESPONSIVE ON BOTH EMIGRATION AND DIVIDED FAMILY CASES. RETURN OF CROWN, AND ATTENDANT CONTROVERSY, HAVE SIGNIFICANTLY INCREASED CONGRESSIONAL ATTENTION TO HUNGARIAN MFN. AS A RESULT, DEPARTMENT CANNOT ENTERTAIN REVISIONS OF ASSURANCES LANGUAGE WHICH SIGNIFICANTLY ALTER BASIC OBLIGATION TO TREAT EMIGRATION RESPONSIVELY. VANCE

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